



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/898,678	07/22/97	MCCARTY	W SKFOOND.013A

MN11/0331

JOHN M. CARSON
KNOBBE, MARTENS, OLSON & BEAR, LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH CA 92660

EXAMINER

VO, H

ART UNIT PAPER NUMBER

2857

DATE MAILED: 03/31/99

5
03/31/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/898,678

Applicant(s)

MCCARTY ET AL.

Examiner

Hien Vo

Group Art Unit

2857

☒ Responsive to communication(s) filed on Jul 22, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5-8, 10-16, 19-21, and 23 is/are rejected.

☒ Claim(s) 4, 9, 17, 18, 22, and 24 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial No.: 08/898678
Art Unit: 2857

2

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-24 are pending.
2. The prior art submitted on 10/24/97 has been considered as indicated on the enclosed copies of Form PTO-1449.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5-8, 13-16, 19-21 and 23 are rejected under 35 U.S.C. § **102 (b)** as being anticipate by Nichol et al. (US No.4,885,707).

With respect to claim 1, Nichol discloses the invention as claimed (see at least abstract) including a housing, a probe, "a transducer couple to said probe...first portion of said probe" (see e.g. figs.1-3), "an analog to digital converter...said

Serial No.: 08/898678
Art Unit: 2857

3

analog signal" (see e.g. col.2, lines 25-32), "a processing circuit...digitized analog signal" (see e.g. col.2, lines 20-24), "an interface circuit...digital data for transmission" (see e.g. fig.2, col.2, lines 52-54).

With respect to claims 2-3 and 5, Nichol discloses the invention as claimed including vibration parameter comprise velocity, enveloped acceleration and frequency domain spectrum (see e.g. col.5, lines 46-49 and col.2, lines 33-37).

With respect to claim 6, Nichol discloses the invention as claimed including mechanically coupling a transducer to a measuring point on a machine (see e.g. fig. 3), "processing an output of said transducer...of said machine" (see e.g. col.1, lines 58-63), and "storing said data...on the machine" (see col.2, lines 38-45).

With respect to claims 7-8, Nichol discloses the invention as claimed including retrieving said data from said memory (see e.g. col. 2, lines 18-20), storing data indicative of the date...machine was acquired" (see e.g. col. 6, lines 54-68).

With respect to claims 13-16, 19 and 23, the limitations of these claims have been noted in the rejection above. Therefore, they are consider rejected as set forth above.

With respect to claims 20-21, Nichol discloses the invention as claimed including "communication circuitry...RS-232 format" (see fig. 2, item 79), " cable is removably...to said housing"

(see e.g. col.2, lines 5-7, 32-33).

Claim 23 is method claim corresponding to apparatus claim 1. Therefore, claim 23 is rejected for the same rationales set forth for claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatent over Nichol et al. (US No.4,885,707).

With respect to claims 10-12, Nichol discloses a vibration data collecting and processing apparatus and method which includes a vibration transducer, converting an output of the transducer to data, storing data (see e.g. figs.1-2) except for teaching a date stamping data. Although the data stamping data is not located above Nichol's apparatus, it would have been obvious to one of ordinary skill to located the data stamping data above the Nichol's apparatus for the purpose of obtaining an

Serial No.: 08/898678
Art Unit: 2857

5

indication of tracking a data since it was known in the art that any machine with a microprocessor and system clock, would maintain a date/time of data (see e.g col.6, lines 45-68).

Claim Objections

Claims 4, 9, 17-18, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Claims 1-3, 5-8, 10-16, 19-21 and 23 are rejected.
8. Claims 4, 9, 17-18, 22 and 24 are objected.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on (703)308-3126.

Serial No.: 08/898678
Art Unit: 2857

6

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

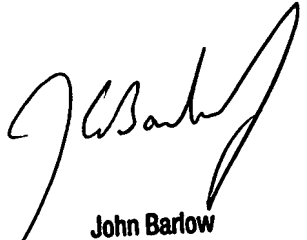
or faxed to:

(703) 308-7382 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Plaza 4, Arlington, VA., Fourth Floor
(Receptionist).

Any inquiry of a general nature or relating to the status of
this application should be directed to the Group receptionist
whose telephone number is (703)305-4900.

HIEN VO
March 27, 1999


John Barlow
Supervisory Patent Examiner
Technology Center 2800